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Frasure

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PATRICE A. MISSUD, JULIE D.
MISSUD,

Plaintiff,

vs.

D.R. HORTON, INC.; DHI MORTGAGE
COMPANY, LTD, LP.; DONALD
HORTON; DONALD TOMNITZ;
MICHAEL MASON; DANIEL
CALLIHAN; ANNIE SCHANKIN;
JAMES FRASURE; and DOES 1-200,

Defendants.

Case No. C07-2625 JL

**DECLARATION OF MICHAEL MASON
IN SUPPORT OF MOTION TO DISMISS**

Date: September 5, 2007

Time: 9:30 a.m.

Judge: Hon. James Larson

1 I, Michael Mason, declare:

2 1. I have personal knowledge of the matters set forth herein and if called upon could
3 testify competently concerning them.

4 2. I am employed by DHI Mortgage Company, Ltd., formerly known as CH
5 Mortgage Company I, Ltd., the in-house lending company of DR Horton, Inc., in Las Vegas,
6 Nevada and have been for more than seven years.

7 3. I am currently a loan officer with DHI Mortgage Company, Ltd. At the time Mr.
8 Missud purchased his residence in Henderson, Nevada, my position was loan officer and I
9 originated Mr. Missud's loan.

10 4. The company provides the in-house lending option as a convenience to
11 homebuyers but they can also use outside lenders if they prefer.

12 5. I am informed and believe that a letter was sent to Mr. Missud on or about
13 February 12, 2004, advising him that not all loan requirements had been met to obtain approval
14 and reminding him that if he did not respond the contract might be cancelled. A copy of the letter
15 is attached as **Exhibit A**.


16 6. I, in fact, obtained both preliminary and final approval of the loan, although
17 ultimately Mr. Missud chose to finance the purchase through a third party lender. Escrow closed
18 on March 3, 2004.

19 7. I reside in Las Vegas, Nevada and have done so for more than 30 years.

20 8. I have never lived or worked in California, except for about two years in the
21 1960s, when I was a college student there. I have no connections whatsoever with California.

22 I declare under penalty of perjury and the laws of the United States of America that the
23 foregoing is true and correct.

24 Dated: July 27, 2007



Michael Mason